

## **APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR A428 BLACK CAT TO CAXTON GIBBET IMPROVEMENTS**

### **RESPONSES OF BEDFORD BOROUGH COUNCIL TO THE EXAMINING AUTHORITY'S WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION (WQ1)**

Issued on 31<sup>st</sup> August 2021

The following responses are made in Bedford Borough Council's (the 'Council') capacity as the landowner of land at Black Cat Roundabout, Great North Road, Roxton held in title P128267, Z1440Z, Z1441Z (the 'Land') in respect of the application for an order granting development consent for the A428 Black Cat to Caxton Gibbet Improvements ('Proposed Scheme').

#### **Examining Authority's Written Questions:**

##### Q1.5.2.2) Access to land for development

In addition to your RR [RR-008b] as landowner, provide a plan of the land marked for development and indicative access requirements. Also highlight the "landlock effect" resulting from the utility diversions and construction works.

Provide your suggested covenants or management agreements for the 12 hectares of land identified for permanent acquisition for flood compensation.

#### **Bedford Borough Council's responses:**

##### Plan of land marked for development

Please find a plan attached as Appendix 1 (which is taken from Highways England General Arrangement Plan, Sheet 1).

The land marked for development approximately corresponds with the Proposed Site Compound Area shown.

##### Indicative access requirements

The indicative access arrangements for the development will be via the proposed quarry and Greenacres access arm of the new Black Cat junction. This has been designed to accommodate the swept paths of large articulated vehicles, and its spacing is such that it achieves appropriate separation from the upstream access onto the roundabout from the A428 westbound off-sliproad, and the downstream sliproad onto the A1 southbound, and therefore meets safety requirements for the largest type of vehicles that would be expected to use the proposed commercial development on Bedford Borough Council's land (the 'Proposed Development').

The proposed access arm allows a single lane into the site from the roundabout and a single lane exiting the site back onto the roundabout. It is a priority access, so vehicles leaving the site give way to traffic already circulating on the roundabout.

The capacity of the roundabout has been tested by the Applicant and is reported in the Transport Assessment that has been submitted as part of the DCO application (application document reference TR010044/APP/7.2). Section 6.7 of the Transport Assessment summarises the modelling of this capacity testing, noting that:

- The junction operates well within all future scenarios tested (2025 and 2040 AM and PM peak hours);
- Queues on the approaches to give ways and traffic signals are short and there is sufficient capacity to accommodate them;
- There are no significant queues on most junction arms. On the Bedford Road approach in 2040 there is a slightly longer queue forming but the queues dissipate quickly.

The Proposed Development would involve the diversion of existing traffic that is already passing through the junction and reassign this traffic into the site, rather than generating entirely new traffic to

the junction (apart from staff trips). The capacity findings of the Transport Assessment indicate that the proposed junction is expected to operate within capacity, as noted above. The Proposed Development would involve a reassignment of trips through the junction to the site access arm, the resulting capacity impacts of which would need to be tested, and this may indicate that some minor modifications to the site access arm are required to accommodate the traffic expected to divert into the site. These could involve widening of the exit arm leaving the site back onto the roundabout, and potentially signalisation of the site access arm. These modifications could take place within the existing proposed alignments of the roundabout. We would want to work with the Applicant to test these minor modifications and agree the proposed improvements.

#### “Landlock effect” resulting from the utility diversions and construction works

The “landlock effect” would result from the permanent acquisition of Plot 1/8r, and not from the utility diversions and construction works. By way of illustration, sheets 1 and 3 of Highways England’s A428 Black Cat to Caxton Gibbet improvements Land Plans are attached at Appendix 2.

With reference to Sheet 1, the Council’s Land will be accessed from the new highway approximately in the location of plot 1/8p.

With reference to Sheets 1 and 3, if Highways England are granted powers to acquire the freehold of plot 1/8r, the Council will no longer have access from the public highway to their retained land at Plots 3/3b and 3/3c, hence this retained land would be “landlocked”.

#### Suggested covenants or management agreements for the 12 hectares of land identified for permanent acquisition for flood compensation

Works number 24 of the draft Development Consent Order describes the development to be authorized as follows:

*“As shown on sheets 1 and 3 of the works plans the construction of flood compensation areas, south and east of the Black Cat junction circulatory (Work No. 13).”*

The Council and their advisors met virtually with the Highways England Project Team on 24<sup>th</sup> June 2021. In that meeting Highways England agreed as an action to review their detailed flood mitigation requirements in this location and propose a mechanism for agreement based on temporary possession and covenants. The Council awaits hearing in this respect. If necessary following review of Highway England’s proposed approach, the Council will submit further details on a proposed mechanism to the Examining Authority.


The Council also considers the mechanism for flood mitigation works authorised in ‘The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transport Order’ (2013) (Order no. 3244) to be relevant. The authorised works were for “Flood mitigation works and construction working area” (Work No. 1A) comprising lowering ground levels to create a large area of flood compensation at Land south-east of Long Ashton Park and Ride (plot 02A/03).

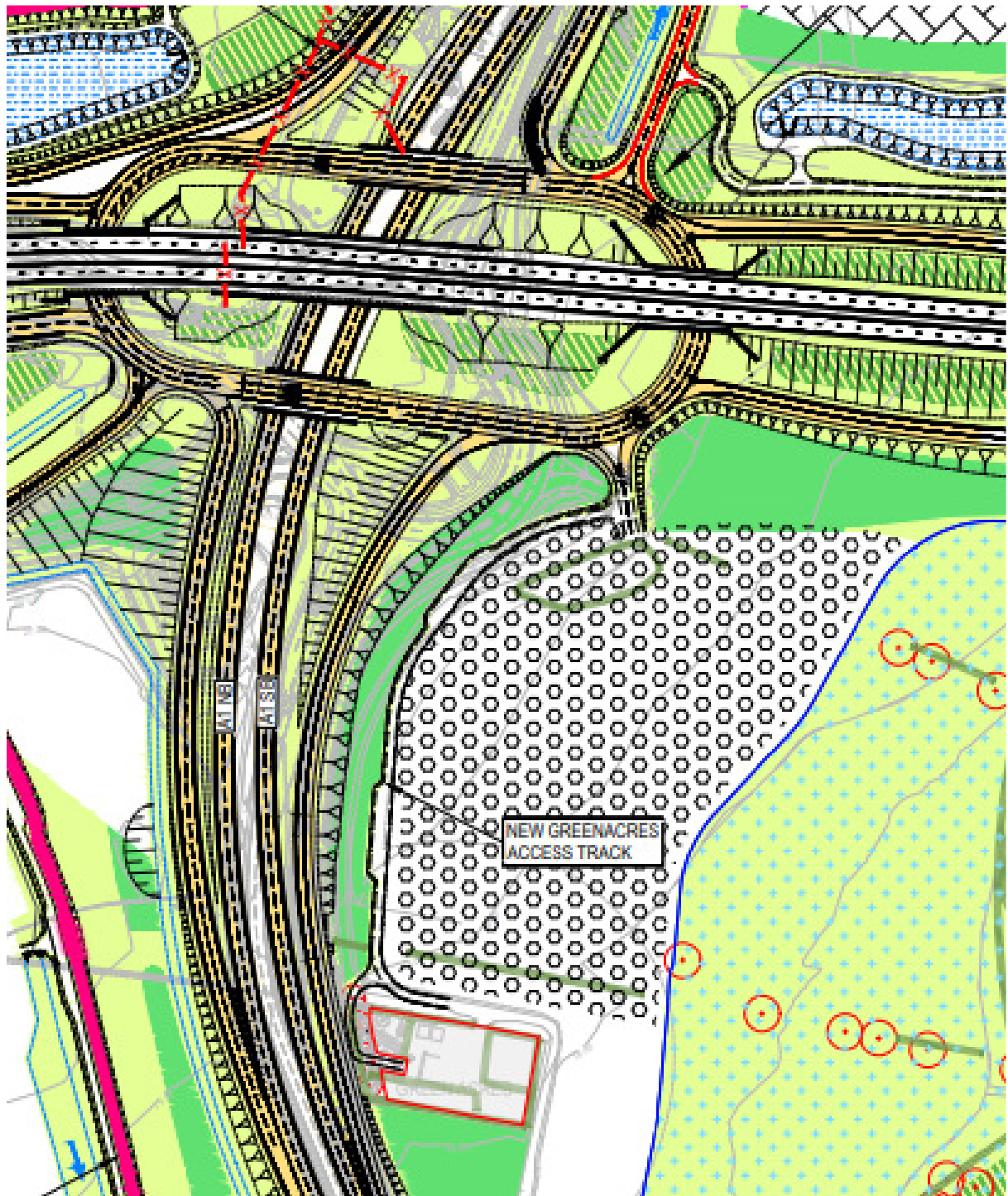
Order no. 3244 authorised Temporary Possession only of the land required for Work No. 1A (Article 28 ‘Temporary use of land for construction of works’) and **not** permanent acquisition. Article 28(5) of Order no. 3244 provides as follows:

*“The promoter is not required to reinstate plot numbers 01A/10, 02A/02 or 02A/03 following the completion of Work No. 1A.”*

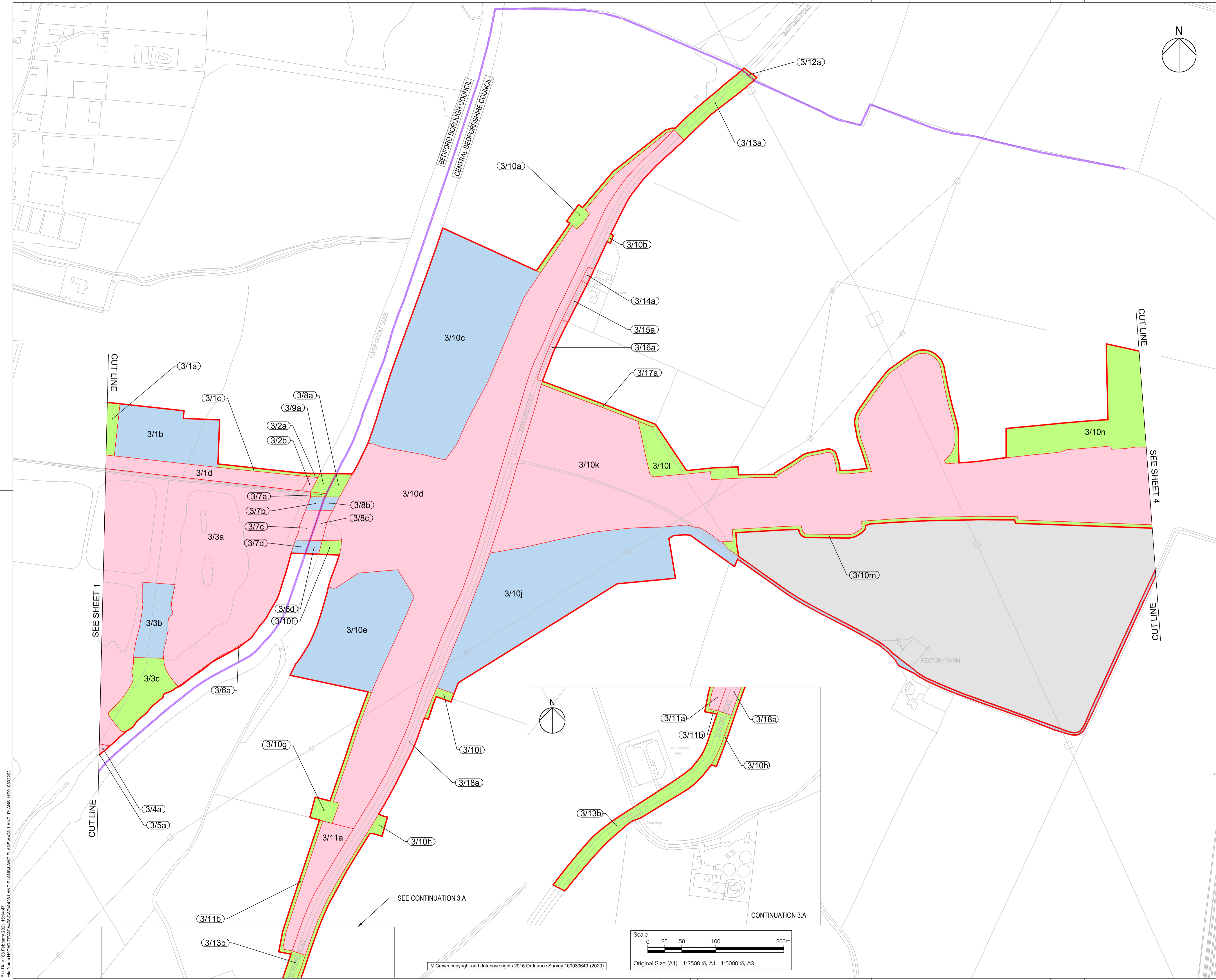
The Council considers that the mechanism used to authorise flood mitigation works in Order no. 3244 is relevant to the question of whether permanent acquisition is necessary for Works Number 24 of the Proposed Scheme.

**APPENDIX 1**

 PROPOSED SITE COMPOUND AREA



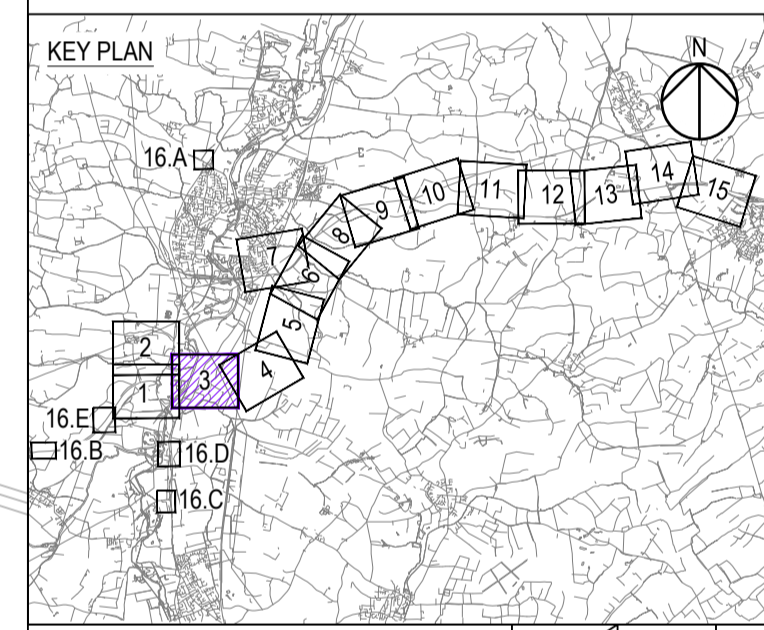




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**LEGEND**

- ORDER LIMITS
- PERMANENT ACQUISITION
- TEMPORARY POSSESSION
- TEMPORARY POSSESSION AND ACQUISITION OF NEW RIGHTS
- EXCLUSION FROM ORDER LIMITS
- PARCEL NUMBERS
- ADMINISTRATIVE BOUNDARY



Final for DCO Application	GJ	AP	02/02/21	P05
Revision Details	By	Check	Date	Suffix

**DCO APPLICATION**

Client  
Highways England  
Woodlands  
Manton Lane  
Manton Industrial Estate  
Bedford  
MK41 7LW

Development Consent Order Number  
**TR010044**

Project Title  
**A428 BLACK CAT TO CAXTON GIBBET IMPROVEMENTS**

Drawing Title  
**LAND PLANS REGULATION 5(2)(I) SHEET 3**

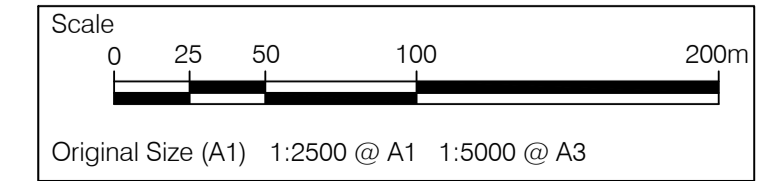
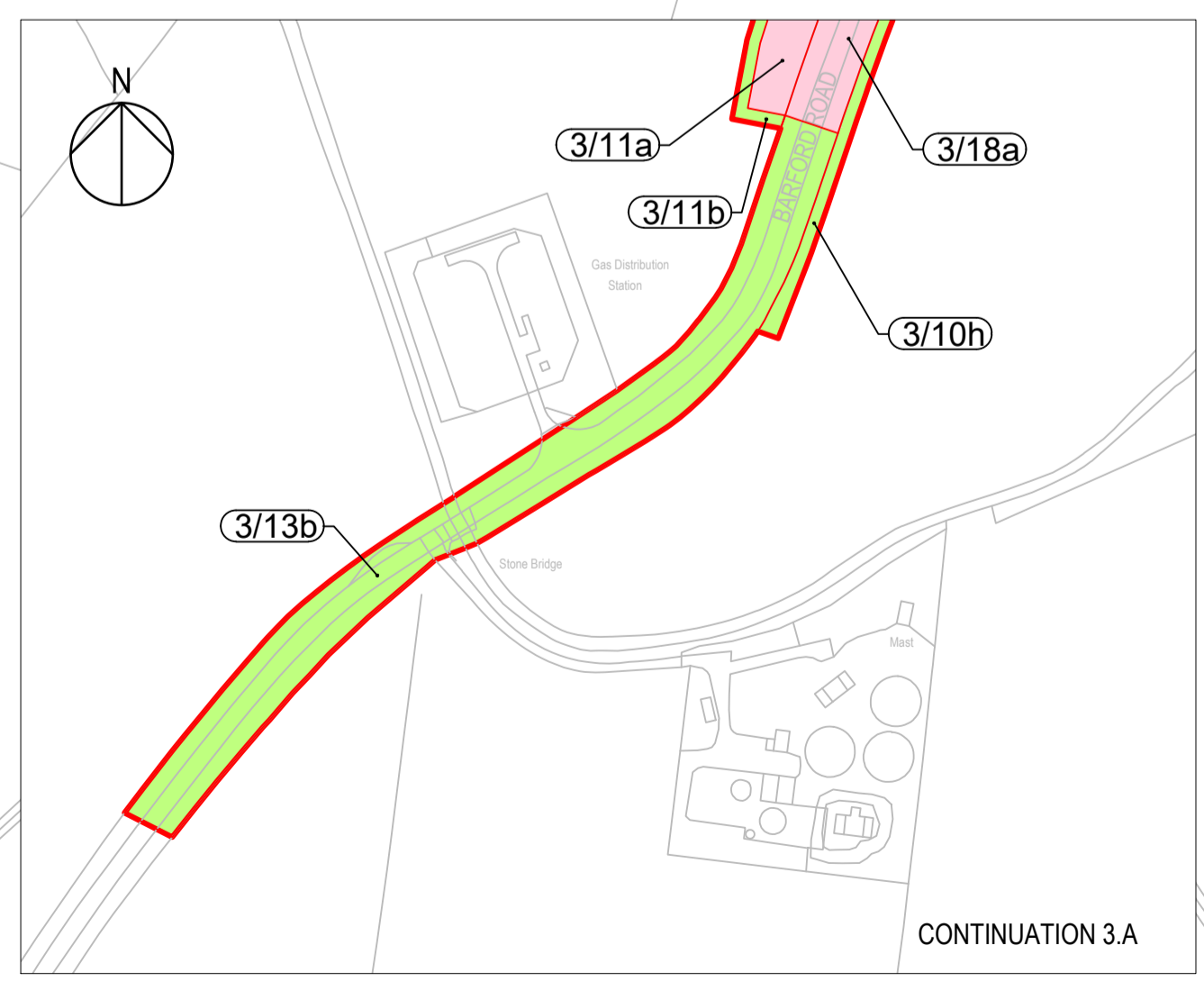
Designed AECOM	Drawn GJ	Checked AP	Approved PG	Date 02/02/21
Internal Project No. 60541541	Suitability D7			
Scale @ A1 1:2500	Zone ZN1			

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Drawing Number  
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Location  
**ZN1\_SW\_Z\_ZZ -DR-DC-2203**

Rev  
**P05**



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